

Pacific Railroad Bill.

REMARKS

OF

WILLIAM W. GROUT,

OF VERMONT,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, January 9, 1897.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 8189) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act, and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned—

Mr. GROUT said:

Mr. CHAIRMAN: I agree with those gentlemen who advocate the passage of this bill that the real question before us is how we can save to the public Treasury this one hundred and eleven or twelve millions of dollars due to the Government from these roads; but I do not agree with them when they say that it is a matter of no consequence that the men who received the money from the sale of the bonds which we loaned these companies and expended it, made themselves rich through the dishonest and fraudulent practices with which they are charged.

I can not, for instance, agree with my friend the gentleman from Iowa [Mr. HEPBURN] in his statement that if these men became rich it was from the rise of the securities which they received—honestly received, as he would have us understand—in the construction of the road.

Mr. Chairman, I can not agree to this when I find on page 143 of the report of the Pacific Railroad Commission, which I hold in my hand, that there were large sums paid for improper purposes, to wit, \$263,812.08 on account of the Sioux City and Pacific Railway, which went improperly for the benefit of the directors of that road. On account also of constructing 1,171 miles of feeders to the Central Pacific, Stanford, Huntington, Hopkins, and Crocker issued to themselves \$33,722,000 of bonds and \$49,005,800 of stock, when the cost of these adjunct lines was but \$27,216,931.01, thereby leaving a clean steal on this alone of \$55,509,554. Then as directors of the Central Pacific they took a lease of these lines which they owned, at a rental of nearly 13 per cent.

How can I agree with my friend when I read further in said report as follows:

Fifteen months ago three of these directors contracted with themselves to build an extension of the California and Oregon division of the Central Pacific from Delta to the boundary line of Oregon, a distance of 103 miles. In payment they issued stock to the amount of \$3,000,000 and bonds to the amount of \$4,500,000, the market value of the stocks and bonds at that time being \$8,340,000. The actual cost of construction was \$3,505,609, so that they personally profited by their own votes by that single transaction to the extent of \$4,834,391. Mark Hopkins is dead, but his interest is still maintained for his estate and heirs.

The summary of the stealings from the Central Pacific is presented by the commission in the following language:

In following up the dealings of the Central Pacific Railway directors with the adjunct companies it is found that Messrs. Stanford, Huntington, Hopkins, and Crocker received over \$142,000,000 in cash and securities. And in addition to this sum of \$142,000,000 they also made large profits in the operation of fifteen or more companies which were directly or remotely sapping the revenues of the Central Pacific Company.

How can I agree with my friend from Iowa when I turn to page 107 of this report and find the provision contained in the charters of these companies that no stock was to be issued until fully paid up in cash, and then read the following findings of the commission; that more than \$60,000,000 of the stock of the Union Pacific was issued, but only \$9,000,000 paid in cash; of the Kansas Pacific stock \$9,000,000 was issued, and not a cent paid; of the Western Pacific \$7,900,000 in stock was issued and only \$200,000 paid; of the Central Pacific \$68,000,000 stock was issued and only \$7,000,000 paid in upon it; and of the Sioux City Pacific there were \$4,260,000 of stock and only \$1,894,000 paid—a total of over \$139,000,000 of stock issued, and but \$18,094,000 paid into the treasuries of these different companies. Then when I turn to page 51 of this report, and find that the total profit of construction of the Union Pacific was \$43,000,000, as this commission figured it, giving the items and spreading them before us, which sum included \$1,104,000 on account of the Credit Mobilier, how can I agree with my esteemed friend that these gentlemen became rich from the rise in the securities which they legitimately received? They really stole themselves rich and stole these roads poor. Nor can I agree with my friend and colleague, the gentleman in charge of this bill [Mr. POWERS], when he says it is none of our business how much these men cheated other people if they did not cheat the Government.

It seems to me, Mr. Chairman, that it is not impertinent on the part of the American Congress to have a care that a corporation created by it be kept clean and honest, not only in its transactions with the Government but with all men. Why, these railroads are the children of Congress; they are our children, if you please; and can it be said that because our children have not cheated us it is none of our business that they cheat everybody else?

But the trouble is, Mr. Chairman, these men have cheated us. You will recall how, after they went away with their charters for these roads granted in 1862, and started the construction of them, they came back in 1864 and said they were not provided with money enough to build the roads, that the stock and bonds were not sufficient in amount, when in fact they were more than sufficient only for the grand larceny of these men. They said, in short, that they must have another mortgage equal to the amount of the Government loan, and that it must be a first mortgage and the Government mortgage made second. And, Mr. Chairman, you will

remember, astounding as the fact now seems, how, through the legerdemain of the Credit Mobilier, the stock of which was held by many a Member and Senator, whom it followed like a shadow to the grave, these men hoodwinked and wheedled the American Congress into making the Government mortgage a second mortgage and allowing them to sell, as a first mortgage, an amount of bonds equal to those loaned by the Government, and then they went to work and stole every dollar of that first mortgage and two or three times as much more. So I say, Mr. Chairman, they have cheated us.

They also cheated the Government at the same time by falsely representing that the Sioux City road could not be built on a straight line from Sioux City to the North Platte, according to the original charter, and obtained permission to build on a circuitous route at very much greater cost and to the inconvenience and great damage of the whole Northwest, but to the advantage of a connecting railway, which was in the conspiracy.

By this line, as fraudulently built, after one had gone 79 miles from Sioux City on his way to San Francisco he would actually be more than 20 miles farther east than when he started.

Not only this, but when they defaulted in payment of interest—that is, the Union Pacific—I believe the Central Pacific has not defaulted—

The CHAIRMAN. The gentleman's time has expired.

Mr. BARHAM. I ask that the gentleman have five minutes in addition.

The CHAIRMAN. Unanimous consent is asked that the gentleman have five minutes in addition. Is there objection?

There was no objection.

Mr. GROUT. Mr. Chairman, when they defaulted in the payment of interest any lawyer would suppose that possession of the road could be taken by foreclosure proceedings, and the Attorney-General so supposed, and instituted suit for that purpose. But, when the Government got to the Supreme Court, it was discovered that the gilded hand of the Credit Mobilier had so shaped the act of 1864 that the Government could not foreclose in default of interest alone, but must wait till the debt itself fell due. None of the principal fell due till January 1, 1896.

And here a word in reply to the gentleman from Iowa [Mr. HENDERSON], who said the Government had confessed its inability to deal with this subject by not having already taken action. The fact is the Government could not take action. There was not a dollar of the principal due till January 1, 1896, and under the decision already referred to nothing could be done till the debt itself matured.

Since then they have been awaiting the action of Congress, and very properly, only a year.

Now, Mr. Chairman, after having been held up for thirty-five years, the Government has at last got where it can put its hand on this corporation; where it can foreclose its mortgage. And now these gentlemen and their successors and representatives appear upon the scene again and ask Congress to forget the falsehoods and frauds and robberies that have been committed by them during the thirty-five years they have kept the Government out of this debt. They ask not only this, but also ask the Government to tie its hands as to this debt again, and this time for eighty-six years and at 2 per cent interest. In other words, they ask the Gov-

ernment to hire money at 4 per cent and let to them at 2 per cent. Why, the loss to the Government in interest alone on this transaction would amount to as much or more than the whole debt at the present time. My colleague said in his speech presenting this matter that the Government had its choice, to accept this bill or throw the debt away.

If the bill is accepted, the debt would be absolutely thrown away through the loss on the interest item alone. But, Mr. Chairman, the debt will not be lost should this bill fail. It could only be lost on the ground that the first mortgage could foreclose and shut out the Government mortgage. But this can not be done till Congress gives permission to be made a party to the suit.

Sovereignty does not allow itself to be sued, does not allow itself to be taken into court by a dapper constable or a deputy marshal with a writ of summons except by permission of Congress, and that permission has not yet been granted. If you will look at the Attorney-General's report for 1896, you will find the Department of Justice stands upon this ground. The Government can not, without further legislation, be foreclosed out of its rights in this property. Of course the first mortgage must be paid first, and whether in the hands of a receiver as now, or however it may be administered, that must be paid before anything can go to the Government. But the advocates of this bill say it will give us a mortgage on additional lines of railway. Mr. Chairman, in my opinion the Government is better off with the security it now has than it will be with that proposed by this bill; and if power could be vested in somebody to settle, as proposed by the substitute bill of the gentleman from Alabama [Mr. HARRISON], I believe it would result much more profitably for the Government than to pass this bill. The fact is, little if any additional security would be obtained by extending the mortgage over the unaided portions, while the first mortgage would be increased, if this bill passes, by the amount of \$24,000,000. This is well illustrated by the Kansas Pacific, on which we have a mortgage now to the three hundred and ninety-fourth milepost. This is really a valuable piece of road, every rod of it running through a rich and productive country. Between that point and Denver the road goes through an alkali region practically worthless. That portion on which we now have our mortgage will always be a valuable property, made so by the fertility of the country. But the other part is worth nothing only for its connections. And so it is throughout the whole system. It is by no means clear that we shall not lessen, rather than increase, our security by passing this bill.

The CHAIRMAN. The time of the gentleman has expired.

EXTRACTS
FROM THE
CONGRESSIONAL RECORD.

House of Representatives, January 13, 1897.

OLEOMARGARINE.

Mr. WADSWORTH. Mr. Speaker, I call up the bill (H. R. 1221) to make oleomargarine and all other imitation dairy products subject to the laws of the State or Territory into which they are transported.

The bill was read, as follows:

Be it enacted, etc., That all articles known as oleomargarine, butterine, imitation butter, or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure and unadulterated milk or cream, transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall, upon arrival in such State or Territory, be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers to the same extent and in the same manner as though such articles or substances had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

Mr. WADSWORTH. Mr. Speaker, the member of the committee having this matter in charge being unavoidably absent at this time, I yield to the gentleman from Vermont [Mr. GROUT] who introduced the bill.

* * * * *

Mr. GROUT. Mr. Speaker, it would seem to me that there ought not to be any necessity for discussing this bill, but I have just been informed by the gentleman from Mississippi [Mr. WILLIAMS] that he would like to be heard upon it. Of course there is no objection to that, and I now yield to the gentleman such time as he may desire to present his views.

* * * * *

Mr. GROUT. Mr. Speaker, I am very sorry to find my friend from Mississippi so exercised about the effect of this bill. He says that on its face it is harmless, but that concealed within it is all manner of mischief and wickedness.

He says he is in favor of having oleomargarine go upon the market for just what it is, and then declares that this bill will accomplish some other terrible purpose, but does not make it clear what calamity will follow.

Mr. Speaker, all that this bill provides is that when oleomargarine, imitation cheese, or "any substance in the semblance of butter or cheese" is transported into one State from another it shall be subject to the laws of the State into which it is taken. Now, is there anything so very terrible about that? The bill contains

no other provision, only that all these false and imitation dairy products shall be subject to the laws of the State into which they are transported. The language is unequivocal.

Mr. WILLIAMS. If the gentleman will permit an interruption.

Mr. GROUT. Certainly. I yield to the gentleman.

Mr. WILLIAMS. I think you will find that you are mistaken. I think the gentleman has not gotten the real gravity of the language:

That all articles known as oleomargarine.

Now, if this bill stopped right there, without any disjunctive or conjunctive word following, until you came to the verb, there could be no question as to its meaning. But you have added other articles—butterine, imitation butter, "or any substance in the semblance of butter or cheese"—which changes the entire construction and meaning of the sentence.

Mr. GROUT. But the gentleman is entirely in error as to his contention. Let us read the language of the bill to which he refers. Here it is again:

That all articles known as oleomargarine, butterine, imitation butter, or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy, and not made exclusively of pure and unadulterated milk or cream, transported into any State or Territory, shall be subject to the operation and effect, etc.

Now, there can be no possible question about that language. It is as clear as language can be. It simply places these imitation products under control of the law of the States into which they are taken for consumption or sale, and that is all there is to it.

Nevertheless, Mr. Speaker, if the bill is not sufficiently explicit on this point, I am entirely willing that any amendment shall be adopted to make it so.

The only object of the bill is to prevent these false and fraudulent imitations of butter and cheese from being transported from the State in which they are manufactured into a State where they are not manufactured, and there put on sale in such a way as to deceive the purchaser as to the real character of the article, as could have been done under the decision known as the original-package decision, which allowed one sale while in the original package in spite of the laws of the State where the sale was made, no matter how great the fraud that may have been practiced upon those who consumed it. This, I repeat, is the only object of the bill, to make certain that when this imitation, this fraudulent substance, is taken from the State where it is manufactured into another State the police law of the State may become operative to the same extent and in the same manner as though the article had been produced in said State or Territory. That is all that the bill seeks to do.

Mr. COX. But, let me ask the gentleman, if you go that far why do you not put it within the power of the State to prohibit its coming into the State altogether?

Mr. GROUT. The bill leaves to each State the right to regulate the sale in its own way. There is nothing in it to justify the conclusion that its sale may be prohibited.

Mr. LIVINGSTON. May I ask the gentleman a question?

Mr. GROUT. Certainly.

Mr. LIVINGSTON. If I understand the purpose of the bill, it places that article—oleomargarine—when carried into a State, within the local jurisdiction of that State?

Mr. MORSE. That is exactly where it ought to be.

Mr. GROUT. And that is precisely what the bill does, and all it does.

Mr. LIVINGSTON. Then the bill is a good one, and it ought to pass.

Mr. COX. It ought not to be passed.

Mr. GROUT. Well, I am very sorry that gentlemen so distinguished on this floor differ so radically.

Now, Mr. Speaker, just a word as to the history of the imitation-butter business in connection with the legislation and the decisions of the courts respecting it. It will be remembered that in 1886 the oleomargarine act was passed, and under that law the production and sale of it were checked to some extent, as you will see by the following statistics: In 1887, the year after the passage of the law, the number of manufacturers was 37, wholesale dealers 288, and retail dealers 6,977, or a total of 7,302 persons engaged in the business as manufacturers and dealers, wholesale and retail, in oleomargarine. Under that law the manufacturers and dealers went down from this total of 7,302 in 1887 to 6,035 in 1889, a reduction of over 1,000 in two years. In 1889 came the original-package decision, under which, as I have said, oleomargarine could be taken from one State into another, and one sale made in spite of local laws, which put it into the hands of the retail dealer and started it on its way of cheating the purchaser, who invariably buys it for butter. Nobody buys oleomargarine for consumption except the boarding-house keeper and the restaurant and hotel keeper. The purchaser always buys butter, but often gets oleomargarine, because this stuff so closely counterfeits butter that few expert experts can tell the difference between the two.

And now again, in 1887, the first year after the oleomargarine law was passed which put restrictions upon it, the total revenue from oleomargarine was but \$723,904.04. But when the original-package decision came, protecting it in its transfer to the retailer, who could work it off to the unsuspecting purchaser as butter, the total receipts jumped in the following year from that figure to over a million and a half of dollars. The receipts from the tax upon it a good deal more than doubled in a single year. Now, as badly as the Government wants revenue just now, it does not want it from such fraudulent sources as this. And this was the boom which the original-package decision gave to oleomargarine throughout the country, by putting it everywhere into the hands of the retail dealer, who really practices the fraud upon the people.

But in 1893 there came another decision of the Supreme Court, which lays down the doctrine contained in this bill. That was rendered, however, by a divided court, the opinion being given by Mr. Justice Harlan. The Chief Justice and Justices Field and Brewer dissented. Now, I want to read from that opinion, in answer to my friend the gentleman from Mississippi [Mr. WIL LIAMS] and in answer to my other friend the gentleman from Tennessee [Mr. COX]. I will say, however, before doing so, that the reason for this legislation is that this decision was by a divided court, and the dairy interests of the country fear that possibly—

The court, some fine day,
May hold the other way.

Mr. Speaker, the dairy interests of the country are of immense proportions in the aggregate, though made up from a vast num-

ber of small interests, many of them weak and comparatively insignificant when standing by themselves, but in their united strength they are a power in the land, and they demand this legislation. They ask that this decision of the Supreme Court be written in the statutes of the country, and not left to the possibly fluctuating opinion of that tribunal. And now let me read from that decision. By it, all the constitutional arguments and fictions of the gentleman from Mississippi [Mr. WILLIAMS] and others opposing this bill are at once wiped away. It is in the case of *Plumley vs. Massachusetts* (155 United States Reports), in which the plaintiff in error had been prosecuted and fined under a Massachusetts statute prohibiting the sale of oleomargarine in the guise of butter. He pleaded his constitutional right to handle this product from another State, in the absence of Federal prohibition, the Massachusetts statute to the contrary notwithstanding. But, as I say, he was convicted and fined under that statute, and, being held in jail for nonpayment of the fine, brought a writ of habeas corpus before the supreme court of Massachusetts, which decided against him and in favor of the constitutionality of the State statute. The case came to the United States Supreme Court on appeal, and the following is the closing part of the opinion by Mr. Justice Harlan:

We are of opinion that it is within the power of a State to exclude from its markets any compound manufactured in another State which has been artificially colored or adulterated so as to cause it to look like an article of food in general use, and the sale of which may, by reason of such coloration or adulteration, cheat the general public into purchasing that which they may not intend to buy. The Constitution of the United States does not secure to anyone the privilege of defrauding the public. The deception against which the statute of Massachusetts is aimed is an offense against society; and the States are as competent to protect their people against such offenses or wrongs as they are to protect them against crimes or wrongs of more serious character. And this protection may be given without violating any right secured by the National Constitution, and without infringing the authority of the General Government. A State enactment forbidding the sale of deceitful imitations of articles of food in general use among the people does not abridge any privilege secured to citizens of the United States, nor, in any just sense, interfere with the freedom of commerce among the several States. It is legislation which "can be most advantageously exercised by the States themselves."

We are not unmindful of the fact—indeed, this court has often had occasion to observe—that the acknowledged power of the States to protect the morals, the health, and safety of their people by appropriate legislation sometimes touches in its exercise the lines separating the respective domains of national and State authority. But in view of the complex system of government which exists in this country, "presenting," as this court, speaking by Chief Justice Marshall, has said, "the rare and difficult scheme of one General Government whose action extends over the whole, but which possesses only certain enumerated powers, and of numerous State governments, which retain and exercise all powers not delegated to the Union," the judiciary of the United States should not strike down a legislative enactment of a State—especially if it has direct connection with the social order, the health, and the morals of its people—unless such legislation plainly and palpably violates some right granted or secured by the national Constitution or encroaches upon the authority delegated to the United States for the attainment of objects of national concern.

We can not so adjudge in reference to the statute of Massachusetts, and as the court below correctly held that the plaintiff in error was not restrained of his liberty in violation of the Constitution of the United States, the judgment must be affirmed.

Now, from this opinion you will see that this bill only proposes to put this decision into statute law, and for the sole purpose of giving it greater permanency. It does not enlarge or take from the law of this decision a single iota in any particular.

Mr. COOKE of Illinois. Mr. Speaker, I desire to be heard in my own time.

Mr. GROUT. What time does the gentleman desire?

Mr. COOKE of Illinois. Ten minutes.

Mr. GROUT. I will yield ten minutes to the gentleman as soon as I have concluded my remarks. I had merely concluded the reading of this opinion.

Mr. FITZGERALD. Under the operation of this law, if it should be enacted, is it not possible for the States to enact a law forbidding the sale of oleomargarine in those States?

Mr. GROUT. Not by authority of this law. The bill is drawn within the provisions of the law laid down by the court; it is drawn strictly in accordance with it; and if it admits of that view, the gentleman must argue with the court and not with me.

Mr. Speaker, now a word as to another view of the matter. Gentlemen talk about interfering with the sale of a product designed for the subsistence of the poor. Ah, Mr. Speaker, this is a mere pretense, as false as the product itself. Oleomargarine now goes in the garb of butter—"semblance of butter" in the words of the bill—to the poor and is sold as butter, not at the price for oleomargarine, but at the price butter bears; and so neither the poor nor the rich get oleomargarine except at an enormous profit. Most of the States now have laws, if they are allowed to take charge of this stuff as this bill proposes, which will secure its sale for just what it is. Then the poor will get oleomargarine at somewhere near its cost, instead of paying the price of butter for it as now. And then, too, butter will be sought by those who are able and want to pay a good price for a good article. The producer of butter will thus be benefited at the same time that the poor man is furnished with oleomargarine at one-half or one-third what he pays now. No one will be hurt but the manufacturer and dealer in this false and fraudulent article, who, between them, now realize enormous profits in palming it off for butter. And even they will not be hurt, but will only be confined to reasonable profits; and, as we have seen, all for the benefit of those who feel themselves unable to buy butter.

Besides the fraud on the public in imposing upon them a counterfeit product of doubtful wholesomeness, the damage to the honest dairy interests of the country is immense in dragging down the price of butter by the sale of vast quantities of the cheap greases that go into oleomargarine, but which are colored for butter and so flavored by the use of buttermilk as to give the product every appearance of butter and even the taste of butter. It is one of the boasted merits of this product, but really its chief infamy, that an ordinary person can not detect the difference between the genuine and the false; and I agree that it is so disguised that it is difficult to tell.

Now, nobody objects to its going on the market in its own color. The court says so expressly in the opinion which I read. It is only when it assumes the semblance of butter, and so is calculated to practice deceit and fraud, that it is proposed to make it subject to the police laws of the State where it is sold. The bill says the same thing. It is only where it goes on the market in the "semblance of butter or cheese" that this bill authorizes the police laws of the State into which it goes to take hold of it. If it goes on the market as oleomargarine, with the color of oleomargarine, and undertakes no cheat or falsehood as it goes, there is no objec-

tion to it. There is nothing in this bill that will allow any State to touch it by way of prohibition if it goes on the market for what it is.

Mr. LIVINGSTON. Will the gentleman accept an amendment?

Mr. GROUT. In a minute. We only insist that this uncertain stuff shall not sail under false colors, so that the poor man shall have the product at a cheap price with a reasonable profit only upon it. We shall thus be helping the poor man and protecting an honest industry at the same time. Besides, it allows this product to be brought out of its disguise in every State that sees fit to do it. If a State chooses to let it be sold for butter, it can do so; but there is no State in the Union that is willing to do that; and there is no honest man in this country who is willing it should be done.

Mr. TERRY. Will the gentleman allow me to ask him a question on that point?

Mr. GROUT. Certainly.

Mr. TERRY. Does not the United States legislation already provide that the product "oleomargarine" shall be sold as oleomargarine?

Mr. GROUT. Yes; it provides that it shall be stamped and put on the market in the original package.

Mr. TERRY. How is it possible, then, to deceive anybody?

Mr. GROUT. I did not yield to the gentleman for remarks. You asked me a question. Now let me answer. It is an easy matter for the retailer to slip the tub off the stuff and set it on the counter alongside of butter and sell it as butter in small lots as called for. Remember, it is so like butter that only an expert can tell the difference in appearance or taste. Frequently nothing short of the microscope can make the difference certain.

Now I yield to the gentleman from Georgia.

Mr. LIVINGSTON. Will the gentleman accept this amendment?—

Shall not be interfered with by the State or by State regulations in a State when sold as oleomargarine.

If you will put that amendment in, I think it will be agreed to.

Mr. GROUT. But that would defeat the express purpose of the bill, which is to give to the States the right to regulate the sale of oleomargarine. We do not ask for the power in the States to prohibit the sale of it. The Supreme Court says the States have the right to regulate its sale, and I am surprised that my friend the gentleman from Mississippi [Mr. WILLIAMS], from a State-rights State, and my friend from Tennessee [Mr. COX], from a State-rights State, and now also my friend from Louisiana [Mr. BOATNER], who, I see, is ready with a question, also from a State-rights State, are willing to stand in the way of the rights of the States under the Constitution, as determined by the Supreme Court in the opinion which I have just read.

Mr. BOATNER. Will the gentleman yield for a question?

Mr. GROUT. Certainly.

Mr. BOATNER. Does not the gentleman from Vermont think that this bill and all bills of a similar character rest on the authority of the Federal Government to regulate commerce between the States?

Mr. GROUT. The Supreme Court says not in case of articles like false butter and cheese, calculated to deceive, or at least the

Supreme Court says that the States may regulate and suppress falsehoods and frauds of this character. Mr. Speaker, I do not believe the dairymen, who are intelligent men, throughout this country, having knowledge of this decision of the court, would have asked more, but they felt that it being by a divided court, it rested upon too uncertain a basis. They realize that the specious arguments which the gentlemen are suggesting in opposition to this bill now may be at some evil but more favorable time thrust upon the court, and the decision perhaps overturned. They want to see this law on the statute book also—

Mr. BOATNER. But does not the gentleman from Vermont concede that this bill if enacted into law is a concession of a part of the authority and power of the Federal Government to regulate commerce between the States?

Mr. GROUT. No, it is rather an indorsement of or acquiescence on the part of Congress in the decision of the court, which is to the effect that the States may exercise this power without leave of Congress.

Mr. BOATNER. Otherwise, what necessity is there for the bill, if it takes nothing away from the power of the Federal Government and adds nothing to the different States?

Mr. GROUT. It does not contravene the powers of the General Government to control interstate commerce, as stated by the court in their opinion. This question lies close to the line between the authority of the General Government and of the States, but to prevent a fraud the court holds that the States may act through their police power, and I believe it is sound doctrine, and this bill simply puts into statute law the decision of the court; that is all.

Mr. COOKE of Illinois. Mr. Speaker, I desire to be recognized in my own time for ten minutes.

Mr. GROUT. Well, Mr. Speaker, since gentlemen want some division of the time and are desirous of controlling the time in opposition to the bill, let us try to reach an agreement about it.

Mr. WILLIAMS. That is what I proposed a while ago, but the gentleman seemed not to understand me.

Mr. GROUT (to Mr. WILLIAMS). There was so much confusion I did not understand you. How much time do you want?

Mr. WILLIAMS. I suppose an hour on each side.

Mr. GROUT. Taking out of your hour the time that you have used, and out of mine the time I used?

Mr. WILLIAMS. Taking the time that I have used out of the time on our side, and taking the time that you have used out of the time in favor of the bill.

Mr. GROUT. Does the Chair understand the proposition of the gentleman from Mississippi?

The SPEAKER pro tempore. The Chair does not understand that there has yet been any proposition made.

Mr. GROUT. The gentleman's proposition is that there shall be an hour allowed in favor of the bill, which I am to control, and an hour in opposition to the bill, to be controlled by the gentleman from Mississippi.

The SPEAKER pro tempore. Two hours in addition to the time that has already been consumed?

Mr. GROUT. No; two hours in all, the time the gentleman from Mississippi has occupied to be deducted from his hour, and the time I have occupied to be taken out of my hour.

The SPEAKER pro tempore. The gentleman from Vermont asks unanimous consent that debate on this bill be limited to two hours, including the time already occupied by those who favor and oppose the bill; that at the close of the debate the previous question shall be considered as ordered; that a vote be taken on the bill and such amendments as may be pending immediately after the reading of the Journal to-morrow; that pending the general debate any member shall have the privilege of offering an amendment, and that the same shall be considered after the close of the debate when the bill is taken up to be voted on to-morrow. Is there objection?

Mr. COOPER of Florida. I object.

The SPEAKER pro tempore. Objection is made.

Mr. GROUT. Objection is made, as I understand, to taking the vote to-morrow morning. I ask the Chair to submit the request for unanimous consent to close the debate at the time indicated.

Mr. COOPER of Florida. My objection is to the whole proposition. Let the bill take its regular course.

The SPEAKER pro tempore. Does the gentleman from Vermont yield the floor?

Mr. GROUT. I do not. Unless there can be some understanding with reference to this matter, we will proceed until the hour is up, and then vote on the bill. We are perfectly willing to make any fair arrangement; but unless some agreement can be reached, we will try and get along without it.

Mr. TERRY. Go ahead, and see what you can do.

Mr. GROUT. All right. Let it be understood we are ready now to make any fair agreement.

Mr. WILLIAMS. I do not understand that the gentleman from Vermont has the control of the time of the House or can do anything except to move the previous question whenever he has the floor to do so.

Mr. GROUT. And that I shall do at the end of the hour unless an agreement is made. I so notify gentlemen.

A MEMBER. You can not do so if you give up the floor.

Mr. GROUT. Of course not. I shall do so within my hour.

* * * * *

Mr. GROUT. Mr. Speaker, how much time have I left?

The SPEAKER pro tempore. The gentleman has nine minutes remaining.

Mr. GROUT. I yield to the gentleman from Virginia [Mr. TUCKER] five minutes.

Mr. TUCKER. I move to amend this bill by striking out, in line 3, after the word "article," all down to line 6, including the word "cream;" so that it will read:

Be it enacted, etc., That all articles transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall, upon arrival within the limits of such State or Territory, be subject to the operation and effect of the laws of such State, etc.

Mr. GROUT. Mr. Speaker, I raise a point of order against the gentleman's amendment. I did not yield for an amendment. I supposed the gentleman was going to submit some remarks. I said to him some time ago in open House that I did not feel like admitting that amendment; that we had enough to do to take care of the bill as it is.

The SPEAKER pro tempore. The Chair sustains the objection. The Chair thinks that the yielding of five minutes to the gentle-

man for discussion would not authorize him to offer an amendment in that time.

Mr. TUCKER. Of course, I do not desire to take advantage of my friend's courtesy. If I have a right under the rules of the House, and with proper regard for that courtesy which is due from one member of the House to another, I desire to offer the amendment. If I have not the right, well and good. I am sure, however, that the proposition which I lay down by the amendment must commend itself to my friend from Vermont as substantial and correct. Why single out the article of oleomargarine, when the principle applies to all articles? My friend from Louisiana [Mr. BOATNER] has well said Congress has undoubtedly, under the Constitution, the power to regulate commerce with foreign nations, among the several States, and with the Indian tribes, but that provision comes in conflict with another article of the Constitution, which my friend from Vermont invokes in this bill, namely, Article IV, section 2, which provides that the citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States. No more, no less; all. That is, that the citizen of each State has the right to do business in a foreign State, and to do that business under the same conditions that the citizen of the State does the business under. A man comes down from the city of Baltimore to the State of Virginia to do business as a merchant. Under the decisions of the Supreme Court quoted by my friend that man has the right, under the interstate-commerce clause, to go there and do business as a merchant without paying the State tax; whereas the citizen of Virginia is compelled to pay the State tax under the State law. I say that the true policy is that no man should be permitted to enter a State to do business in that State except in accordance with the laws of the State.

Mr. COOKE of Illinois. Will the gentleman permit a question?

Mr. TUCKER. Yes, sir.

Mr. COOKE of Illinois. Suppose that the law of that State comes in conflict with some provision of the Constitution of the United States, as construed by the Supreme Court of the United States?

Mr. TUCKER. Then it must give way, and, for the very reason that it must yield to the decision of the Supreme Court, Congress is here, in the person of my friend from Vermont, trying to get rid of that difficulty.

Mr. COOPER of Florida (to Mr. TUCKER). That is, you propose to do in whole what my friend from Vermont [Mr. GROUT] proposes to do in part—repeal the Constitution of the United States by giving each State the power to interfere with interstate commerce.

Mr. COOKE of Illinois. That is precisely what he is proposing, is it not?

Mr. TUCKER. Yes, sir.

I propose to do exactly what my amendment states. As I have said, it seems to me that there ought to be no principle better fixed and settled than that the people of each State know better than anybody else what is best for them, and when a stranger comes by courtesy to do business in a particular State, surely he ought not to claim that he is entitled to greater advantages from the State than its own citizens enjoy.

Mr. GROUT. How much time have I left, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has four minutes remaining.

Mr. CANNON. Mr. Speaker—

Mr. GROUT. I do not yield to the gentleman.

Mr. CANNON. I want to get accommodation for a little time, by unanimous consent, to represent my constituents, if I can.

Mr. GROUT. Very well: I am willing to have an arrangement made after I have asked the previous question.

Mr. CANNON. That cuts off discussion.

Mr. GROUT. Mr. Speaker, I call for the previous question, without further remarks. Let me say, while I call for the previous question now, I am still willing to make any arrangement as to time that is fair and reasonable. The other side have occupied all but twenty minutes of the hour.

Mr. WILLIAMS. A point of order.

Mr. GROUT. You can have all the time you want to discuss the bill.

Mr. CANNON. I ask unanimous consent for an extension of the time for thirty minutes, to be divided half and half, for discussion; and that will leave the gentleman in full possession of the bill, and he will still be able to call for the previous question at the expiration of that time.

Mr. GROUT. I will agree to that after the Chair states my call for the previous question.

Mr. TUCKER. I hope the gentleman, in that connection, will accept my amendment.

Mr. GROUT. Mr. Speaker, I demand the previous question.

Mr. CANNON. I ask unanimous consent that the time may be extended thirty minutes before the previous question is ordered.

Mr. GROUT. A parliamentary inquiry. If my time expires before the Chair states my call for the previous question, will I still be recognized to make that call? I have but four minutes.

The SPEAKER pro tempore. The gentleman from Vermont has already demanded the previous question within his hour. The Chair holds that if, by unanimous consent, the time for debate is extended, pending this, for thirty minutes, the rights of the gentleman from Vermont will be the same as they are in force now.

Mr. GROUT. How, if refused?

The SPEAKER pro tempore. If refused, then the vote will be on ordering the previous question.

Mr. WILLIAMS. But, Mr. Speaker, he can not yield to the gentleman thirty minutes—

Mr. CANNON. I ask unanimous consent to extend the time thirty minutes.

Mr. WILLIAMS. How is the time to be controlled in the thirty minutes?

Mr. CANNON. I suppose half and half.

The SPEAKER pro tempore. Pending the motion of the gentleman from Vermont, that the previous question be ordered on the amendment, and to the engrossment, third reading, and passage of the bill, the gentleman from Illinois asks unanimous consent that the time for debate be extended thirty minutes, to be equally divided between the friends and the opponents of the bill, and that at the expiration of that time the vote be taken on the motion of the gentleman from Vermont.

Mr. WILLIAMS. Before that is submitted to the House Mr. Speaker, under whose control is the time to be?

The SPEAKER pro tempore. The Chair would recognize the gentleman from Illinois to occupy the time in opposition to the bill and the gentleman from Vermont to control the time in favor of the bill.

Mr. TRACEY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Missouri.

Mr. WILLIAMS. I want to ask a question.

Mr. TRACEY. I want to make this parliamentary inquiry: Will there be any opportunity to offer an amendment to the bill during that time?

The SPEAKER pro tempore. Not under existing conditions.

Mr. CANNON. If the previous question is voted down, there will be.

Mr. TRACEY. Then let us vote it down.

Mr. CANNON. Let us have a discussion for thirty minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. WILLIAMS. I want to submit a parliamentary inquiry, and I will be excused for making it, because I am not as old and experienced as many other gentlemen around me. The gentleman from New York [Mr. WADSWORTH], chairman of the Committee on Agriculture, in control of this bill, yielded to the gentleman from Vermont. Does he yield for an hour, or does he yield the control of the bill to him?

Mr. WADSWORTH. I yielded the control of the bill to the gentleman from Vermont.

Mr. WILLIAMS. There are other members of the Committee on Agriculture, one of whom I am, who desire to debate this bill.

Mr. STEELE. I call for the regular order.

Mr. CANNON. I hope that my friend from Indiana will not do that.

Mr. STEELE. I will yield for the purpose of discussion, but not for these side speeches.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois for an extension of the time of debate as stated by the Chair?

Mr. WILLIAMS. Provided that the previous question is not coupled with it, I will not object.

Mr. CANNON. It leaves the previous question just where it is now.

Mr. WILLIAMS. If it is the understanding that the demand for the previous question is not coupled with the request, then I will not object. If it is, I object.

The SPEAKER pro tempore. The Chair has stated the request.

Mr. DOCKERY. A parliamentary inquiry—

Mr. WILLIAMS. If it has coupled with it, according to the statement of the gentleman from Vermont—

Mr. DOCKERY (continuing). In the event the time is extended, one-half to be controlled by the gentleman from Illinois, will he have the right in his fifteen minutes to offer any amendments?

The SPEAKER pro tempore. The Chair thinks not.

Mr. WILLIAMS. Understanding, Mr. Speaker, that the demand for the previous question goes with the request for the extension, I object. Now, if the gentleman from Illinois will put his request in his own way I will not object.

Mr. CANNON. My request is that the time for discussion be extended thirty minutes.

Mr. WILLIAMS. To that I do not object.

Mr. CANNON. Then at the end of the thirty minutes the previous question will be voted upon.

The SPEAKER pro tempore. Is there objection?

Mr. COX. I object.

The SPEAKER pro tempore. Objection is made.

Mr. CANNON. I wish you would not do that.

The SPEAKER pro tempore. The gentleman from Vermont has demanded the previous question—

Mr. CANNON. I hope the previous question will be voted down.

The SPEAKER pro tempore. The gentleman from Vermont has asked for the previous question on the amendment, and to the engrossment, third reading, and final passage of the bill.

The question was taken on ordering the previous question, and the Speaker pro tempore announced that the yeas seemed to have it.

Mr. GROUT. I call for a division.

The question being taken, there were—ayes 62, yeas 66.

Mr. GROUT. I call for tellers.

Tellers were ordered; and Mr. GROUT and Mr. CANNON were appointed.

Mr. CANNON. I hope the Chair will appoint some one in my stead.

The SPEAKER pro tempore. The Chair appoints the gentleman from Illinois [Mr. COOKE] to act as teller in place of the gentleman from Illinois [Mr. CANNON].

The House again divided; and the tellers reported—ayes 72, yeas 70.

Mr. WILLIAMS. No quorum.

The SPEAKER pro tempore. The point is made that no quorum has voted.

Mr. WILLIAMS. I withdraw that point, and I call for the yeas and nays.

Mr. GROUT. I hope the yeas and nays will be ordered. Let us all rise.

The yeas and nays were ordered.

The question was taken; and there were—yeas 90, yeas 99, not voting 165.

And so the motion for the previous question was lost.

Before the result was announced, Mr. GROUT changed his vote from "aye" to "no," and on its announcement moved a reconsideration.

Mr. WILLIAMS moved to lay that motion on the table, and pending that motion,

Mr. GROUT moved that the House adjourn, which was carried.

EXTRACTS
FROM THE
CONGRESSIONAL RECORD.

House of Representatives, January 14, 1897.

OLEOMARGARINE.

The SPEAKER. The regular order is the call of committees for reports. The pending question is on the motion to reconsider the vote by which the House refused to order the previous question upon the bill (H. R. 1221) to make oleomargarine and all other imitation dairy products subject to the laws of the State or Territory into which they are transported. At the time when this motion was made it was followed by a motion to adjourn; and some gentleman proposed to lay on the table the motion to reconsider, for which the Chair stated there would be opportunity given when the matter came up again, if any gentleman desired to make that motion.

Mr. COOKE of Illinois. I make the motion.

Mr. COOPER of Florida. I will move to lay the motion to reconsider on the table.

Mr. GROUT. Mr. Speaker, I ask unanimous consent to submit a proposition, and I think time will be saved by agreeing to it.

If this motion is laid on the table it, of course, leaves the bill open to discussion and amendment. If it should not be laid on the table and the motion is reconsidered, I should even then ask, as I did repeatedly on yesterday, for an agreement as to time for discussion and amendment. The friends of this bill are willing it should be discussed.

Mr. DOCKERY. Submit your proposition.

Mr. GROUT. Now, I ask unanimous consent that an hour—so far as I am concerned, I think that will be sufficient—that an hour be given to the discussion of the bill, and for the offering of amendments under the rule, and that a vote be taken thereafter upon the third reading of the bill.

Mr. CANNON. Why not put it in this way, if the gentleman from Vermont will allow a suggestion: That by unanimous consent the proceedings may be vacated which refused the previous question, and that after an hour has been consumed in general debate, the bill be open in the House as in Committee of the Whole for amendments under the five-minute rule. In that way, of course, the gentleman will keep control of the previous question.

Mr. GROUT. That will be entirely satisfactory to me, sir.

Mr. BAILEY. I would suggest that if the motion to lay on the table were withdrawn, and the motion to reconsider the vote by which the House refused to order the previous question were withdrawn, it would still leave it open for debate. But by unani-

mous consent, if the request is granted, and I see no objection to it, that same result would be reached.

The SPEAKER. The Chair will submit the proposition of the gentleman from Vermont to the House.

The gentleman asks unanimous consent that the proceedings under the motion for the previous question be withdrawn. Is there objection?

Mr. CANNON. I think that it should be coupled with a further request for unanimous consent that time be allowed for general debate and for the consideration of the bill and the offering of amendments in the House as in Committee of the Whole under the five-minute rule.

The SPEAKER. The Chair will submit the request of the gentleman from Vermont. The gentleman asks unanimous consent that he may be allowed to withdraw the demand for the previous question—

Mr. WILLIAMS. Mr. Speaker, if the gentleman will permit me before that request is submitted. I know of four or five gentlemen on this side of the House who have expressed a desire for time, and I hardly think that thirty minutes would be sufficient. I think it would require a little more time, probably forty minutes.

Mr. GROUT. What time would the gentleman from Mississippi suggest?

Mr. WILLIAMS. I would suggest that the gentleman ask unanimous consent for one hour and a half.

Mr. GROUT. That is entirely satisfactory to me. I ask unanimous consent to withdraw the motion for the previous question, and that the House have general debate for one hour and a half on the bill, and amendments afterwards under the five-minute rule in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. WILLIAMS. I ask unanimous consent that the time granted be equally divided between the two sides, one side to be controlled by the gentleman from Vermont and the other to be controlled by any gentleman on this side of the House whom the Speaker may name.

Mr. GROUT. I will not object to that, although I may be permitted to say that on yesterday forty minutes of the hour were consumed by the opponents of the bill.

The SPEAKER. Is there objection to the division of the time equally between the two sides?

There was no objection.

The SPEAKER. If there be no objection, the Chair will recognize the gentleman from Vermont to control the time of the affirmative and the gentleman from Mississippi in opposition to the bill.

There was no objection.

The SPEAKER. The gentleman from Vermont is recognized as in control of the floor.

Mr. GROUT. Will the gentleman from Mississippi proceed first?

Mr. WILLIAMS. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. TUCKER].

* * * * *

Mr. WILLIAMS. I yield to the gentleman from Illinois [Mr. CANNON] such time as he desires.

* * * * *

Mr. GROUT. Mr. Speaker, I now yield ten minutes to the gentleman from Delaware [Mr. WILLIS], a member of the committee which reported this bill.

Mr. WILLIS. Mr. Speaker, I have been in favor of most of the laws passed with reference to oleomargarine, both by the National Legislature and in the legislatures of the States, because I think they move in the direction of justice and of right. I think this law moves in the direction of justice and right, and in so far as I can see it does not infract the rights of the States or the nation.

The history of oleomargarine, and of those who have made earnest and urgent attempts to manufacture and put it upon the American market, reminds me of a passage I have read in the prophet Amos:

When will the new moon be gone, that we may sell corn? and the Sabbath, that we may set forth wheat, making the ephah small, and the shekel great, and falsifying the balances by deceit?

That strikes one of the root propositions, not only of the great ancient theocracy, but it strikes at the very animus of the oleomargarine interest. If you are going to have legislation that will stand, legislation that the people in subsequent generations will approve, legislation that will be for the benefit of the great masses of the people, it must proceed and can only proceed on honest principles.

Now, nobody has undertaken or is undertaking to prevent, as I understand it, the manufacture or sale of oleomargarine, but is simply setting up a claim that oleomargarine, if it speak at all in the American markets, shall call a spade a spade; that it shall not speak with a lying tongue; that it shall not come, as the gentleman from Nebraska [Mr. HAINER] so well said, "masquerading under false colors," reminding us, so aptly as he did, that the superior never masquerades in the garb of the inferior, but the inferior in that of the superior.

Now, Mr. Speaker, a word in regard to the eloquent and glowing remarks of the gentleman from Illinois [Mr. CANNON], which have been referred to by the gentleman from Louisiana [Mr. BOATNER]. I will not say that the article called oleomargarine is a deleterious compound and an unhealthy food product for some stomachs. Why, I know that a cobblestone has gone through the gizzard of an ostrich. [Laughter and applause.]

Mr. TOWNE. How do you know that?

Mr. WILLIS. Because I have seen it. [Renewed laughter and applause.] But I will undertake to say that oleomargarine is not a wholesome food product for some people. Now, ask me how I know that. [Laughter.] But I will tell you the way I know. It is because, as the colored man says, "I have proved it by 'sperience." [Laughter.] Anything that has got hog's lard in it will keep up an unpleasant memory in my stomach for half a day. [Laughter.] But anything that comes to me in the sweet and uncontaminated globules of pure cream is not only harmless, but nutritious and health inspiring.

Mr. HENDERSON. Makes you feel like dancing a hornpipe. [Laughter.]

Mr. WILLIS. Yes—

A MEMBER. They would turn you out of church, then.

Mr. WILLIS (continuing). And the illustrations introduced in some parts of the speech of the gentleman from Illinois were somewhat amusing. In trying to illustrate, I believe, the point he was making with reference to charges against oleomargarine not being a healthful food product, he brought in the question of leather. He said that some of the leather sold in the market as calfskin was made of horse hide, but he forgot the idea that one went on the outside of the man and the other on the inside [laughter], and there is a tremendous difference, Mr. Speaker, between that which is on the outside and that which is on the inside of a man. [Renewed laughter and applause.]

Now, if a man has a good digestion, if he has a good strong stomach, he can probably eat and digest anything in the whole category of food products, from a tough Texas mule to a quail. If he has such a stomach as that, I will not join issue with him on his natural-born right to eat oleomargarine. [Laughter.] But I will say to you that I do not want it and will never have it, simply because it is unwholesome for me.

But I am only one of a great multitude. Now, what is the harm in having a law or many laws, in order to make the thing sure, that will give a man the opportunity to judge what he is eating and to make a safe selection? Life at best is none too long. The comforts of this world are not overmultiplied, and the question of dietetic products, dietetic arrangements, dietetic articles is one of the most important of all we have. All these laws proceed upon sanitary and health-giving and justice-establishing principles that this country ought always to give its hand to. I am in favor of this bill, because I believe it is a reassertion of the principle of the decision of the Supreme Court; and from the very fact that there seems to be a spirit of uprising sometimes in this country against the authority of the Supreme Court; from the very fact that some of our friends from the South and very many of them from the North, once under the agis of the old-time Democratic party which used to clamor for State rights, have forgotten that guiding star that led them and their forefathers, and under the influence and magnetism of some of these strange gods of modern times, have gone off and framed a great political platform that seems to denounce, or at least to discount, the authority of the decisions of the Supreme Court. Let Congress assert itself in this bill, and let us pass it.

* * * * *

Mr. WILLIAMS. Will the gentleman from Vermont now consume some of his time?

Mr. GROUT. There are but ten or eleven minutes remaining on this side, and I shall yield it to one gentleman. I think we should be allowed to close.

Mr. WILLIAMS. How much time have I remaining?

The SPEAKER pro tempore. Eight minutes.

Mr. WILLIAMS. Does the gentleman from Vermont prefer that I go ahead?

Mr. GROUT. Yes; I prefer to have you occupy your time.

Mr. WILLIAMS. Mr. Speaker, a desire is expressed by the gentleman from Vermont that this side consume the balance of its time, and then he will consume his.

Mr. Speaker and gentlemen of the House, when the gentleman from Ohio [Mr. NORTHWAY] was speaking, he said that the States and the people were engaged in "a warfare against an injurious

and deleterious food product." With that warfare I sympathize heartily; but the trouble with the gentleman's position is that oleomargarine, butterine, cottolene, and these various substances are not unwholesome, deleterious, or injurious food substances. If they were, they would fall now under the sanitary and police powers reserved to the States in the Constitution of the United States, as was announced by the Supreme Court of the United States on the very article of oleomargarine when it delivered lately on the oleomargarine statute of Massachusetts. What were the facts in that case? The facts are set forth by the court, and they were agreed facts. I quote:

It is admitted that the article sold was sent by the manufacturers thereof in the State of Illinois to the petitioner, their agent in Massachusetts, and was sold by him in the original package—

I call the attention of the gentleman from Iowa [Mr. LACEY] to that fact. He said when he was on his feet that when the oleomargarine was in the original package it was not within the scope of regulation under the police powers of the State. The admitted fact in this case was that it was in the original package—

and that in respect to the article sold, the importers and the petitioners had complied with all the requirements of the act of Congress regulating the sale of oleomargarine, and it was marked and distinguished by all the marks, words, and stamps required of oleomargarine by the laws of this Commonwealth—

That is, the State of Massachusetts.

Now, the Supreme Court of the United States held upon that state of facts that the law of the State of Massachusetts, which does everything which my friend from Delaware [Mr. WILLIS] says he wants to do, everything that my friend from Vermont [Mr. GROUT] says that the bill is intended to do, namely, forbid absolutely the sale of oleomargarine whenever sold under the guise or semblance or butter, whenever it was sold it all, unless it came within the following proviso:

That nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine in a separate and distinct form, and in such manner as will advise the consumer of its real character, free from colorations or ingredients that cause it to look like butter

Now, the statute of Massachusetts forbade the sale of this product with that proviso. The Supreme Court of the United States under this state of facts and with this proviso held that act to be constitutional. Therefore it follows that if all the gentlemen wanted to get was what they say they want to get (and gentlemen will understand by that that I mean that if their intent in passing the law was all the effect of the proposed law), then there is no need for the law. But the trouble about the whole thing is that the law goes further than they say they want to go, and gives the State the power not only to do what Massachusetts did, and all they say they want to do, and what the Supreme Court says they can now do, but it subjects oleomargarine to any law of the States, whatever the law may be, whether on the statute books now or to be hereafter passed, and puts it within the broad scope of the police powers, which are held to be so much a part and parcel of the reserved rights of a sovereign State that the Supreme Court of the United States has held that no clause of the Constitution can invade them. Where the trouble of the gentleman from Ohio comes in is this: That if he can prove what he asserts, viz, that this is an unwholesome and injurious product, he would have no need to pass

the law; but as it is in fact, despite his assertion, a wholesome and healthful product, but as he wants to shut it out under the pretext that it is an unwholesome food product, he is in favor of the passage of this law.

Now, Mr. Speaker, the gentleman from Iowa [Mr. LACEY] said something facetious about horse beef, and said it will be absurd to compare the two things, because if people want horse beef they ought to have horse beef, and the gentleman thinks they ought to have it if it was sold as horse beef; and then he wants this product sold also, provided it shall be sold as oleomargarine, and says they are making no opposition to any law provided that it is sold that way.

Mr. GARDNER. Will the gentleman yield to me for a question?

Mr. WILLIAMS. Yes, sir; I have only eight minutes, and I desire you to make it brief.

Mr. GARDNER. Have you ever seen or have you ever heard any reputable person say that he has seen oleomargarine for sale in a retail store under its own name?

Mr. WILLIAMS. I am tolerable "reputable," and I have seen it scores of times, and so has everybody upon this floor who has ever entered a retail store. I have seen it branded "cottolene," I have seen it branded "butterine," and branded "oleomargarine," and everybody can see it if they will go down to the stores in Washington.

Mr. CANNON. I have bought it scores of times in preference to three-fourths of the article sold as butter.

Mr. WILLIAMS. Now, there is a gentleman I know my friend will admit to be "reputable," because he is from the right latitude.

Now let us go on. The gentleman from Iowa says that men ought to be allowed to buy oleomargarine if they want to, but that they should know what they are doing. I agree with him; but the trouble with this bill is that if it becomes a law a man can not buy oleomargarine, whether he knows what he is doing or not, provided the State in which he wants to buy it forbids its sale. The gentleman says that he does not want "the legitimate domain of butter invaded." What is "the legitimate domain of butter"? To be butter, is it not? So that oleomargarine can not invade the legitimate domain of butter unless it goes there pretending to be butter. But the trouble with this bill is that it goes beyond the prevention of that fraud, and provides in effect that oleomargarine, not only in the guise of butter, but in any other guise, can not be sold or bought if the State of New Hampshire, or the State of Vermont, or the State of Mississippi, or any State forbids the sale or purchase of it within the State limits.

If this bill passes, and if the Supreme Court holds that the law is constitutional, that will be its effect. I have my doubts of its constitutionality, but I am not going to indulge in such a remark as was made by the gentleman from Nebraska [Mr. HAINER], who said that the Supreme Court having made a certain decision, the matter would be all right if the people were not afraid that the decision might be changed. In the last campaign people who referred to possible changes of Supreme Court decisions were denounced as "anarchists" [laughter], but I will not so denounce the gentleman from Nebraska.

The SPEAKER pro tempore. The gentleman from Vermont [Mr. GROUT] has one minute remaining.

Mr. GROUT. I shall not occupy that minute. I ask that the bill be now read for amendment.

The SPEAKER pro tempore. The bill will now be read for amendment under the five-minute rule.

The bill was read, as follows:

Be it enacted, etc., That all articles known as oleomargarine, butterine, imitation butter, or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure and unadulterated milk or cream, transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall, upon arrival in such State or Territory, be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers to the same extent and in the same manner as though such articles or substances had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

Mr. TUCKER. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "articles," in line 3, strike out "known as oleomargarine, butterine, imitation butter, or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure and unadulterated milk or cream."

Mr. GROUT. The gentleman proposes to strike out. What does he propose to insert?

Mr. TUCKER. Nothing.

The SPEAKER pro tempore. The gentleman from Virginia [Mr. TUCKER] has the floor.

Mr. TUCKER. I merely offer the amendment. I have nothing to say about it.

Mr. GROUT. Why, Mr. Speaker, that amendment would absolutely disembowel the bill.

A MEMBER. Of course; that is what it is intended for.

Mr. GROUT. I say the amendment would absolutely eviscerate the bill. If that is the gentleman's object, the same end could be reached, if he has sufficient numerical strength on his side, by voting down the bill on its third reading. It does not seem to me that we need spend any time in discussing the amendment.

Mr. TUCKER. I should like to have a vote.

Mr. MORSE. Mr. Speaker, I move to amend by striking out the last word. I make this motion for the purpose of saying a word by way of answering the attack made upon my State in some of the illustrations which have been used in the argument of gentlemen on the other side. It has been said in the course of the debate on this floor, by the way of justifying this oleomargarine fraud upon the great farming interests and the consumers of this country, that the manufacturers of Massachusetts are not honorable merchants and business men and are guilty of fraud in the manufacture of leather, shoes, woollens, etc. Lest by silence I should appear to give consent to that charge, I wish to say a word here in my place.

I call the attention of the House to the fact that a distinguished Representative of Massachusetts on one occasion in antebellum times, when the dark crisis was impending and the mutterings of war and secession were heard, stood on this floor and said, in answer to an attack on our Commonwealth, that "he threw down her glove to the whole band of her assailants." That man was

Anson Burlingame. Now I stand in my place and in behalf of the manufacturers of Massachusetts, and, measuring my words, I say that for business honor, for enterprise, for integrity, I throw down the glove of her manufacturers, bankers, and business men to the world. [Applause.]

Mr. Speaker, the manufacturers of Massachusetts sell woolen goods and shoes for what they are. There is no attempt, as in the case of oleomargarine, to palm it off for something it is not. If there is any split leather in their shoes they are sold for split leather, and for half the price of whole leather. If their clothes are made in part of cotton (as charged), it is to cheapen them and bring them in the reach of the poor, and they are sold for what they are.

I say now, in this presence, that the manufacturers of Massachusetts, by their genius, enterprise, and inventive skill, have done more than any other section of the country, or perhaps of the world, to produce articles of necessity and luxury, ten thousand articles which go to adorn and embellish modern civilized life, and made cheap by the inventive genius of her sons, so as to place them in the reach of the humblest of our citizens, and so that humble people to-day enjoy comforts and luxuries that were unknown to the wealthy a few decades ago. I have in my district, at Brockton, one of the great shoe markets of the world, and they make as good shoes as are made on the face of the earth. Contrast the price of shoes to-day with the price a decade or two decades ago; contrast the price of cloth and clothing and a thousand things with the price a decade or two ago.

Mr. Speaker, I might go through the whole category of articles made by the manufacturers of Massachusetts and used in civilized life, and prove by statistics that our manufacturers, for honor, for enterprise, for integrity, and for success, can safely challenge the world. More than that, Mr. Speaker when the yellow wings of a pestilence flap themselves in a Southern sky, when fire or famine or flood or pestilence overtake any section of our country or overtake humanity anywhere in the wide, wide world, in starving Ireland, in famine-stricken Russia, or the far-away victims of the Sultan in Armenia—I say, who pours out its treasure like water to relieve affliction and distress? Why, these same manufacturers who have been abused and misrepresented on this floor to-day, these men who are accused of making clothing out of “shoddy” and shoes out of “pasteboard.”

Mr. Speaker, Massachusetts needs no eulogium or defense from me in these closing hours of my service here. In the language of one of her great sons, we say, “There she stands.” Mr. Speaker, if this is the last word I shall speak in this House, I stand in my place and throw back to the gentlemen who made these charges against the manufacturers of the Commonwealth I have in part the honor to represent—I say I deny that her manufacturers are guilty of fraud and deception in their products. [Applause.]

* * * * *

Mr. GROUT. Mr. Speaker, just a word in regard to this amendment, which is really very objectionable. It provides that—

All articles transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall, upon arrival within the limits of such State or Territory, be subject to the operation and effect of the laws of such State, etc.

This would be a complete surrender by Congress of the constitutional power with which it is now vested to regulate commerce between the States. It goes far beyond any decision yet made by the Supreme Court, and far beyond the purpose contemplated in this bill. The court, in *Plumley vs. Massachusetts*, simply say that where a fraud is sought to be perpetrated in the sale of an article of food taken from one State into another the police power of the State into which it is transported may lay its hands upon the article and strip it of its false garb and compel its sale for exactly what it is. But this amendment of the gentleman leaves all articles, whether fraudulent or otherwise, to be controlled by State legislation, which simply abrogates the constitutional power of Congress to regulate interstate commerce.

Mr. TUCKER. I think my friend is entirely mistaken about that, and I think he will see it on reflection. All articles are to be subject, under the proposed bill as amended, to the police power in the State. That police power in the State refers to anything which is deleterious to health or morals; so that if oleomargarine, if beef, if lard, or all articles are amenable to that objection, the police power of the State would have the authority to act upon them.

Mr. GROUT. But still it should be remembered that the court in the *Plumley* case bases its decision simply upon the fraud. Where fraud is attempted to be practiced, the court says the State has the power to prevent it, and that is all this bill asks. The police power of the State seizes on this article when it goes into the State in "semblance of butter or cheese," and under no other circumstances. To make the thing entirely plain, after this amendment is disposed of, and perhaps one or two others offered, I intend offering an amendment, which has been agreed upon between myself and the gentleman from Mississippi [Mr. WILLIAMS], and which will make this point clear to all. He is not willing to offer it, because, even when adopted, he says he would not be willing to vote for the bill. So I propose to offer it. I hope the amendment of the gentleman from Virginia will be voted down.

Mr. TUCKER. I hope the amendment will be voted up. [Laughter.]

The question was taken on the amendment of Mr. TUCKER; and on a division (demanded by Mr. TUCKER) there were—ayes 23, noes 88.

Accordingly, the amendment was rejected.

Mr. GIBSON. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Strike out "or," in line 7, page 1, after the word "Territory," and insert the word "and."

Mr. GROUT. I ask the Clerk to read the bill as it will be if that amendment is adopted.

The Clerk read as follows:

Transported into any State or Territory, and remaining therein for use, etc.

Mr. GIBSON. The object of that amendment is to avoid this possible construction, that under the bill as it is now framed it is probable that oleomargarine in transitu might be subject to the State police laws. The object of this is to confine it to oleomar-

garine transported into a State and remaining there for use, sale, etc.

Mr. GROSVENOR. The amendment is perfectly unnecessary, because this says in plain words that the law only applies to that which is transported into a State and retained there for use.

Mr. GIBSON. I wish to make it read—

and remaining therein—

instead of—

or remaining therein.

Mr. GROUT. There is no objection to that amendment. I do not think it changes the bill.

The amendment was agreed to.

Mr. GROUT. Now, Mr. Speaker, I offer the following as a proviso to the bill, not because I think it necessary, for the bill itself, in express terms, goes upon the ground that in order to touch this product by the police power of any State it must be in "the semblance of butter or cheese." But to make it plain, so that there shall be no question as to the power of the State to prohibit it when it comes as oleomargarine, this amendment is offered, as I have stated, after a conference with the gentleman from Mississippi [Mr. WILLIAMS].

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Provided, That nothing in this act shall be construed to permit any State to forbid the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the customer of its real character and free from coloration or ingredient that causes it to look like butter.

The SPEAKER. The question is on the amendment offered by the gentleman from Vermont.

Mr. CONNOLLY. Mr. Speaker, I desire to offer a substitute for the amendment offered by the gentleman from Vermont.

The Clerk read as follows:

Add to the bill the following:

"Provided, The sale in original packages of such articles, produced in any State or Territory, and marked as provided by the laws of the United States, shall not be prohibited by the laws of any other State or Territory."

Mr. CONNOLLY. Mr. Speaker, I understand from the advocates of this bill that the purpose of it is to prevent the sale of oleomargarine and kindred products under fraudulent names. If that be true, this amendment or proviso that I offer to attach to the bill will permit the bill to be operative to that extent; but if the purpose of the friends of this bill is to absolutely prevent the sale of oleomargarine produced in one State in any other State, then gentlemen will not support this proviso. This proviso is that where oleomargarine or kindred articles are produced in any State or Territory, and are marked as provided by the laws of the United States, then their sale shall not be prohibited by the laws of any State. The States retain in their hands the right to make just as stringent regulations as they choose to prevent fraud in the offering and sale of this kind of article; and when the United States shall have acted and made all the requirements they choose to make, then it provides that those States shall not by their laws override these requirements of Congress and prohibit the sale of that article. It seems to me that if the friends of this bill are in earnest in their declaration that its purpose is simply to prevent the sale of fraudulent food products, they ought

to be willing to accept this proviso and retain the power in Congress to make all the limitations it may choose to make from time to time in the future and not give to the individual States the right to override this limitation made by Congress.

Mr. GROUT. Mr. Speaker, this amendment or substitute really says that the bill shall have no effect. In other words, it enacts into statute law the original-package decision and more, too, and repeals or does away with the decision of the Supreme Court in *Plimley* against the State of Massachusetts, on which this bill is based.

Mr. CONNOLLY. Will you permit me to ask you a question?

Mr. GROUT. Certainly.

Mr. CONNOLLY. You desire to do something more than merely prevent the sale of a fraudulent food product?

Mr. GROUT. Nothing more, as is expressly written in the first lines of the bill, and then as added by the proviso at its close; and this for the purpose of making it so plain that "the wayfaring man, though a fool, may not err therein."

Mr. CONNOLLY. You say when oleomargarine is marked as oleomargarine and is sold in the semblance of butter, your bill prevents that sale.

Mr. GROUT. Precisely so; because they can take the tin off, as I stated yesterday, and set it alongside of butter and sell it anywhere they please as butter, and nobody can tell the difference, and this very thing is done in this city every day.

Mr. CONNOLLY. When the thing is sold in the original package itself? That amendment relates to the original package.

Mr. GROUT. Mr. Speaker, this amendment is all that the oleomargarine factories in Illinois or anywhere else can ask for. Let us vote it down.

Mr. CANNON. If I may be permitted, I move to strike out the last word. I want to ask my friend if he has taken into consideration the propriety of amending the law of 1886, which reads as follows:

That for the purposes of this act the word "butter" shall be understood to mean the food product usually known as butter, and which is made exclusively from milk or cream or both, with or without common salt, and with or without additional coloring matter.

Does the gentleman propose anywhere in this legislation, before he gets through with it, to get rid of that which is to him a pernicious practice of coloring butter as a food product?

Mr. GROUT. The gentleman has asked me a question, and I will try to answer it. Butter has a color of its own—the color of gold—and has had it from time immemorial, even from the time when Jael, the wife of Heber, the Kenite, "brought forth butter in a lordly dish."

Frequently during the winter months, while the cow is on dry feed, a little coloring is added, to suit the fancy of the consumer, but the article still has its own proper color. Surely there can be no offense in artificially intensifying the color of butter. Nor, in itself, is there anything intrinsically wrong in coloring oleomargarine. The wrong consists in selling the nasty fats of which it is composed, not as oleomargarine, but as butter, which could not be done if the filthy stuff had not the color of butter. Right here is the wrong, right here is the fraud, which can only be committed by this piratical product when it sails under false colors. This is my answer to the gentleman.

Mr. CANNON. Rich, creamy butter, where the animal is fed upon good clover, has a yellow color; but in the absence of such feed the butter is white.

Mr. GROUT. No; it is never white.

Mr. CANNON. Oh, yes; substantially white. Now, does my friend propose to continue the practice of taking the white butter, or that which is substantially white, made from the milk of poor, lean cows, and coloring it with annatto or other coloring matter? Is that kind of fraud to still go on, and is that counterfeit butter to continue to demoralize the stomach of the eloquent gentleman from Delaware without rebuke by my friend from Vermont? [Laughter.]

Mr. GROUT. Mr. Speaker, I compliment the gentleman on his ingenuity in undertaking to bring into this discussion in the closing moments a subject entirely foreign to the matter in issue. If the gentleman thinks there is something wrong in the coloring of butter which he so prates about, I shall be glad to sit down with him and philosophize upon that subject early and late; but that has nothing whatever to do with the question now before the House. We are now called upon to say whether it is a proper thing for one State to overhaul an article of food coming from another State "in the semblance" of that which it is not, and tear off its mask and compel it to go upon the market for what it really is; in other words, we are simply to determine the question whether the States have the power to stop a cheat and a fraud in an important article of food, even though it come from another State. This is the whole story. I hope we shall vote down this proposed substitute.

The question being taken on the substitute proposed by Mr. CONNOLLY, the Speaker declared that the yeas seemed to have it.

The House divided; and there were—ayes 78, yeas 98.

So the substitute was rejected.

Mr. TRACEY. Mr. Speaker, I send to the desk a substitute for the amendment.

The proposed substitute was read, as follows:

Provided, That nothing herein shall be so construed as to authorize any State or Territory to prohibit the transportation and sale of such articles in original packages when transported or sold in their true character.

* * * * *

Mr. HENDERSON. Mr. Speaker, I rise to oppose the substitute. The oleomargarine battle which was fought on the floor of the House some years ago was one of the hardest contests I ever saw. It lasted for many weeks—one long, continuous, tireless filibuster against the bill. The gentleman from Illinois spoke this morning of "opposition here and there." The opposition did come from "here and there;" it was located chiefly in Kansas City and in Chicago, where vast wealth is massed to make money at the expense of the agricultural interests of this country. [Applause.] The attempt has been made to have it appear that the lard and tallow interests are against the bill pending before us. I represent a district where lard, tallow, and all the dairy products form the leading articles of production; and I do not believe that there is a farmer in my district who is not against this fraud and in favor of this bill—not one. [Applause.]

I hold in my hand a telegram from the dairy commissioner of Iowa, urging the Iowa delegation to stand by and support this

bill. No member of the Iowa delegation needed that telegram. A quick ear for the heart beat of the agricultural interests of Iowa was enough to instruct us as to the wishes of our constituents. We have been through this battle before; and I want to say to my distinguished friend from Illinois [Mr. CANNON], who pointed at the frauds in the manufacture of other articles, that the time is fast coming when legislative attention, State and national, must be directed to all of these frauds. And he only "points the moral and adorns the tale" when he gives those illustrations. I say wherever you find a fraud imposing upon the people—running masked batteries into the commerce and trade of this country—do not stand back and howl at the efforts that are being made to strike at the first fraud, but help us now and bring on your batteries and let us attack the others. For one I am for this bill and every bill that will unmask deception and let us have fair play among the people of this country. [Applause.]

Mr. CANNON. Mr. Speaker, I move to strike out the last word. I have lived long enough to learn that in matters of legislation when I act on any question in the light of the facts I can very well afford to rely for justification upon the facts. It is not necessary for me, nor as I believe for any other gentleman, to ignore the facts in order to justify ourselves upon this question.

What is proposed to be done here? What is the evil proposed to be remedied? There is a product manufactured called oleomargarine. From the place where it is manufactured till it reaches the consumer it is marked carefully, effectively. It is a wholesome product. The men who make it, whether they live in the district of the gentleman from Iowa, or in mine, or elsewhere, and those who furnish the material from which it is made, are American citizens and have the right to follow a lawful calling. And when these men do make that product, then in fairness under the Constitution they have, in my judgment, a right to find a market for it. That they have found, and not under a false pretense, not with a lie in their mouths or in the mouth or the product they sell.

Now, because they do find that market and great masses of people in the United States knowingly buy that product for a food product, and because, forsooth, it interferes with the makers of other food products, gentlemen are swiftfooted to clothe themselves with a defense of the farmer and seek to legislate in his behalf. I think that this matter when it comes to be tried upon its merits, if it ever does, in the light of the approval or condemnation of the people, will not be judged by declamation. I am thankful to believe that such is the case.

I can not go with the gentleman who proposes this legislation, notwithstanding its eloquent approval by the gentleman from Iowa [Mr. HENDERSON], because the legislation (not speaking offensively) is a fraud on its face. Professing to do one thing, with a misrepresentation in its stomach, it seeks to do another thing, and is blessed by the men who deal in declamation and denunciation. For that reason I shall vote against this bill, and without apology.

I have no fears but that when I am called on to meet my agricultural constituency (and it is peculiarly an agricultural constituency) they will have intelligence enough to understand that their products of tallow and leaf lard are combined and churned through milk and made a cheaper product than butter, going to

the homes of multiplied thousands who earn their living in the sweat of their faces, who can not buy fine dairy butter at 30, 40, and 50 cents a pound, but who buy this in preference to bad butter—when they understand that, I will risk my justification. Anyhow, whether I am justified or not, my judgment is that this legislation is vicious, is fraudulent—pretending to do one thing when it in fact does another. And to retain my self-respect, and from my conviction of what is right, I shall vote “no.” [Applause.]

Mr. HENDERSON. I move to amend by striking out the last word of the substitute. Mr. Chairman, if there is anything I feel badly about it is to see my colleague from Illinois [Mr. CANNON] resorting to declamation. He is the only gentleman who has done so this afternoon. When I came upon the floor he had all the appearance of a man in a high ecstasy on this subject, and was assailing other frauds. I am not here for declamation. I am not here with any prepared speech. A man does not need much preparation when he is attacking a curse of the kind that is being attacked by this bill. The gentleman by his remarks would make it appear that I have attempted to question his motives. He knows me better than that. I attacked some of his references, but I had no intention of attacking his motives, or those of any other member of the House.

Every man here has a right to fight for his own constituents and their interests. But one thing I do know, Mr. Speaker. I know where the head and front of this defense is located. It is located in the great capitalized institutions of Chicago and Kansas City, with Mr. Armour and Mr. Swift and those men who have destroyed the cattle interest of the great West, including my own State, keeping down the price of every slaughtered animal and raising the price of every pound of beefsteak sold in the limits of the United States. It does not need declamation to tell God's simple truths to this House and to the people. I simply mean this, and I allude to my friend from Louisiana, who asked a short time ago why legislation in the interest of one class against another should be enacted, and who said that a State had not a right to do it. In response to him I say that a State has a right to put stripes on its convicts in the penitentiary, and I am in favor of everything in that line that will brand infamy and brand falsehood, so that it may be recognized by the people. Let the violators of law and those who are transgressing the great rights of the people in the commerce of the United States be designated so as to give fair protection to all classes in the country and equal punishment to all criminal impositions.

But, Mr. Speaker, because I am denouncing the manufacturers and sellers in a fraudulent way, I am not denouncing any gentleman who thinks proper to defend what he believes to be the interest of the tallow and lard raisers in his district. The tallow and lard raisers in my district are milk producers and butter producers as well. But they find a market for their tallow and their lard as such. All we want is fair play, so that these articles can not be reduced in price or value by forgery and fraud.

I withdraw the pro forma amendment.

* * * * *

Mr. MONDELL. I am in favor of allowing local legislation in all matters that do not conflict with the general good of the people of the United States, and do not conflict with the commerce of

the United States; but I am opposed to any legislation that in any way prevents the manufacture and free distribution and sale, from one end of this nation to the other, under its true name and properly branded, and sold for what it really is, of any product whatever that is wholesome and not injurious. Therefore I am opposed to all legislation of this character. [Applause and cries of "Vote!" "Vote!"]

Mr. GROUT. Mr. Speaker, I believe the House is ready to vote upon this question. I shall submit no remarks, but desire to have read from the Clerk's desk a telegram which I have just received, which shows that this is not only a question in which the rural districts and agricultural States are interested, but that it is a matter in which business interests everywhere are concerned.

The Clerk read as follows:

BALTIMORE, MD., January 14, 1897.

Hon. WILLIAM W. GROUT,
House of Representatives, Washington, D. C.

Congratulations upon getting your bill up for discussion. Explain that it is a facsimile of the provisions of the Wilson law with respect to liquor, and no novelty in the way of national legislation. We wish you speedy success.

BALTIMORE CITY PRODUCE EXCHANGE.

Mr. GROUT. Now, Mr. Speaker, I ask for the previous question on the bill and amendments, unless some gentleman wishes to be heard.

The previous question was ordered.

The SPEAKER. The previous question is ordered on the bill, the amendments, and the substitute for the amendment. The question is first on the substitute of the gentleman from Missouri [Mr. TRACEY] for the amendment. The Clerk will report the substitute.

The Clerk read as follows:

Provided, That nothing herein shall be so construed as to authorize any State or Territory to prohibit the transportation and sale of such articles in original packages when transported or sold in their true character.

The question being taken on the substitute, on a division (demanded by Mr. TRACEY) there were—ayes 88, noes 100.

Accordingly, the substitute was rejected.

The SPEAKER. The question now is on the amendment of the gentleman from Vermont [Mr. GROUT], which the Clerk will report.

The Clerk read as follows:

Provided, That nothing in this act shall be construed to permit any State to forbid the manufacture or sale of oleomargarine in a separate and distinct form, and in such manner as will advise the consumer of its real character, free from coloration or ingredient that causes it to look like butter.

The amendment was agreed to.

The question being taken on the engrossment and third reading of the bill as amended, on a division (demanded by Mr. WILLIAMS) there were—ayes 122, noes 88.

Mr. WILLIAMS. Yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 126, nays 96, not voting 133; as follows:

* * * * *
Mr. CURTIS of Kansas. Mr. Speaker, I desire to withdraw my vote. I find I am paired with the gentleman from Kentucky, Mr. OWENS. Were he present, I should vote "yea."

Mr. BOATNER. Mr. Speaker, my colleague, Mr. ROBERTSON, is detained from the House by illness. I do not know how he would vote.

Mr. DOCKERY. Mr. Speaker, I am paired with the gentleman from Pennsylvania, Mr. BINGHAM. If he were present, the Grout amendment having been adopted, I should vote for the bill.

Mr. SMITH of Michigan. Mr. Speaker, I am paired with the gentleman from Minnesota, Mr. TOWNE. If he were present, I would vote "yea" and he would vote "nay."

Mr. FOOTE. Mr. Speaker, my colleague, Mr. BENNETT, was called out a few moments ago. If present, he would vote "yea."

Mr. BROMWELL. Mr. Speaker, my colleague, Mr. TAFT, has been called home by important business. He would have voted for the bill if present.

The result of the vote was then announced as above recorded.

The bill was accordingly engrossed and read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Division!

The House proceeded to divide.

Mr. WILLIAMS. Mr. Speaker, I withdraw the call for a division.

The SPEAKER. The call for a division has been withdrawn. The ayes have it, and the bill is passed.

On motion of Mr. GROUT, a motion to reconsider the vote by which the bill was passed was laid on the table.